IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.748 OF 2005
IN
CHAMBER SUMMONS NO.585 OF 2005
IN
EXECUTION APPLICATION NO.329 OF 1997
IN
AWARD NO.79 OF 1997

Ashok Bimal Ghosh ... Appellant

versus

Rajendra Y. Shah and others ... Respondents

Mr.Uday Bobde i/by Mr.D.P.Guehiya for appellant.

Ms.Kanchan Pamnani for respondent no.10

Mr.amol Doijode for respondent

Mr.S.M.Mungekar, Section Officer of Court Receiver

CORAM : DR.S.RADHAKRISHNAN AND
S.C.DHARMADHIKARI, JJ.

DATE : 26th September 2005

PC :

1. Heard learned counsel for the appellant and respondents. By this appeal the appellant is challenging the order dated 4th August 2005 whereby the learned Single Judge has accepted the offer made by Padma Nandiram Schmassmann Mahrotri and Sanjay Kumar Roy for a sum of Rs.97,00,000/-

for the flat concerned. It appears that even a fresh valuation report has been sought by the appellant. The said valuation is only at Rs.79,47,659/-. The learned counsel for the appellant also fairly states that as of the date the appellant is unable to procure any purchaser for the value more than Rs.97.00 lakh. Padma Nandiram Schmassmann Mahrotri and Sanjay Kumar Roy have already deposited a sum of Rs.97.00 lakh with the Court Receiver. Under these circumstances, we do not find any ground whatsoever to interfere in the order of learned Single Judge and there is no illegality in the order of learned Single Judge. Appeal stands dismissed.

2. Learned counsel for the appellant seeks stay of this order for a period of four weeks. We do not find any ground to stay the order. Request stands rejected.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)